

Exhibit 1



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

April 8, 2015

Martin Gottesfeld

[REDACTED]
Sommerville, MA

Dear Mr. Gottesfeld:

This letter is to advise you that you are the target of a federal grand jury investigation in the District of Massachusetts into potential computer hacking, conspiracy (18 U.S.C. §§ 371, 1030) and other crimes.

In order to determine how best to proceed in this matter, I would like an opportunity to discuss your case with an attorney representing you. At that time, we could discuss what charges might be filed and whether you would want to appear before the grand jury, as well as other matters.

If you are so inclined, please have an attorney contact me no later than April 30, 2015. Otherwise, this office will proceed with its investigation. Your attorney may reach me at the above address or at (617) 748-3112.

Sincerely,



Adam J. Bookbinder
Assistant U.S. Attorney
Chief, Cybercrime Unit

Exhibit 2

From: [Bookbinder, Adam \(USAMA\)](#)
To: ["Tor Ekeland"](#)
Subject: RE: Gottesfeld Reverse Proffer
Date: Thursday, April 16, 2015 1:32:00 PM

Tor:

How about May 14 at 10:00?

--Adam

From: Tor Ekeland [mailto:[\[REDACTED\]](#)]
Sent: Wednesday, April 15, 2015 10:09 AM
To: Bookbinder, Adam (USAMA)
Subject: Gottesfeld Reverse Proffer

Adam:

It was good speaking with you yesterday regarding Mr. Gottesfeld's matter. We are free to meet with you for a reverse proffer on the following dates: 5/7, 5/14, 5/21. We are open to other dates if those don't work for you, let me know. Thanks!

-Tor
[\[REDACTED\]](#)

Tor Ekeland
Tor Ekeland, P.C.
195 Plymouth Street, 5th Floor
Brooklyn, NY 11201-1133
www.torekeland.com
(718) 285 - 9343 tel
(718) 504 - 5417 fax

PGP Public Key: <http://tinyurl.com/kjggdzs>

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Exhibit 3



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

June 17, 2015

Via e-mail
Tor Ekeland, Esq.
195 Plymouth Street, 5th Floor
Brooklyn, NY 11201

Re: *U.S. v. Martin Gottesfeld*

Dear Tor:

When we last spoke, I told you that I would put together a proposal for a possible pre-indictment resolution of the matter involving Marty Gottesfeld. As I mentioned to you, this proposal is not, at this point, a resolution authorized by my office and therefore does not constitute a plea offer. But, it represents the type of resolution that we would be willing to submit for review and approval.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Year	Number of cases	Rate per 100,000
2010	1,234	1.2
2011	1,345	1.3
2012	1,456	1.4
2013	1,567	1.5
2014	1,678	1.6
2015	1,789	1.7
2016	1,890	1.8
2017	1,901	1.9
2018	1,912	1.9
2019	1,923	1.9
2020	1,934	1.9

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

Once you and your client have had a chance to review this material, let's set up a time when you can discuss it with Dave and me.

Sincerely,

/s/ Adam Bookbinder

cc David D'Addio
Enclosures (Bates ##1-9)

Exhibit 4

From: Tor Ekeland
To: [Bookbinder, Adam \(USAMA\)](#)
Cc: [DAddio, David \(USAMA\)](#)
Subject: Re: Gottesfeld
Date: Monday, October 26, 2015 11:02:48 PM
Attachments: [signature.asc](#)

Yes. He's interested in a proffer, and taking a plea. My trial finishes Friday, Monday at the latest. How about we talk on Tuesday?

t

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417


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> On Oct 26, 2015, at 10:49 PM, Bookbinder, Adam (USAMA) <Adam.Bookbinder@usdoj.gov> wrote:
>
> Tor:
>
> When we spoke a couple of weeks ago, you had said that you'd get back to us today on Mr. Gottesfeld. I know
that you may still be on trial, but we really need to move this case along one way or another. Can you let us know
how he would like to proceed. Thanks.
>
> --Adam
>
>

Exhibit 5



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

December 17, 2015

Tor Ekeland, Esq.
195 Plymouth Street, 5th Floor
Brooklyn, NY 11201

Re: *U.S. v. Martin Gottesfeld*

Dear Mr. Ekeland:

This letter confirms that the United States Attorney for the District of Massachusetts will consider an accurate and complete proffer from your client, Martin Gottesfeld, in connection with the investigation into the conspiracy to damage computers at Boston Children's Hospital and other entities. The terms under which the contemplated proffer will be received are as follows:

1. No statements made or other information provided by Gottesfeld will be used by the United States Attorney directly against him, except to rebut any evidence offered, or factual assertions made, by or on behalf of Gottesfeld at any stage of a criminal or civil proceeding (including but not limited to detention hearing, trial or sentencing) which is inconsistent with, or contrary to statements made during the proffer, or in a prosecution of Gottesfeld based on false statements made or false information provided by him.

2. The government may make derivative use of, or may pursue any investigative leads suggested by, any statements made or other information provided by Gottesfeld in the course of the proffer. Any evidence directly or indirectly derived from the proffer may be used against him and others in any criminal case or other proceeding. This provision is necessary in order to eliminate the possibility of a hearing at which the government would have to prove that the evidence it would introduce is not tainted by any statements made or other information provided during the proffer. See Kastigar v. United States, 406 U.S. 441 (1972).

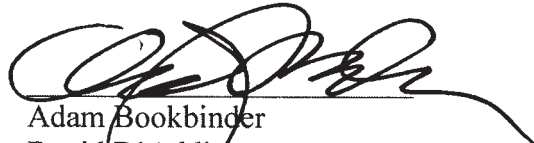
The United States Attorney is not hereby agreeing that she will subsequently enter into a plea or immunity agreement with your client. The foregoing is the complete agreement between

your client and the United States Attorney with regard to your client's proffer.

Very truly yours,

CARMEN M. ORTIZ
United States Attorney


By:


Adam Bookbinder
David D'Addio
Assistant U.S. Attorneys

Acknowledged and agreed to:


Martin Gottesfeld

12/17/15
Date


Tor Ekeland
Counsel for Martin Gottesfeld

12/17/15
Date

Exhibit 6

Boston Children's Hospital
300 Longwood Avenue
Boston, MA
02115

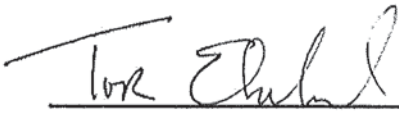
December 14, 2015

**RE: Letter Agreement to Waive Admissibility of Statements Made by Marty
Gottesfeld at His December 17, 2015 Proffer Session**

To Whom It May Concern:

In exchange for attendance at Mr. Marty Gottesfeld's Proffer Session (the "Proffer") at the United States Attorney's Office for the District of Massachusetts on December 17, 2015, Boston Children's Hospital and its employees, contractors, agents, affiliates, assignees, and successors ("BCH") hereby agree to the following:

- BCH agrees that the full scope Federal Rule of Evidence 410 applies to BCH in relationship to its attendance at the Proffer as if BCH was a federal prosecutor;
- None of the statements made by Mr. Gottesfeld at his proffer session will be admissible, or used for impeachment purposes, in any civil action by BCH against Mr. Gottesfeld.



Tor Ekeland
Attorney for Marty Gottesfeld

Dated: _____

Signature:  _____

Print Name: _____
[REDACTED]

On Behalf of Boston Children's Hospital

Exhibit 7

From: [Bookbinder, Adam \(USAMA\)](#)
To: [Tor Ekeland \(\[REDACTED\]\)](#)
Cc: [ddaddic \(\[REDACTED\]\)](#)
Subject: Gottesfeld Information
Date: Friday, February 5, 2016 2:53:00 PM
Attachments: [2016-02-05 e-mail attachment -- Draft Information \(Gottesfeld\).pdf](#)

Tor:

We wanted to update you on where we stand in the Gottesfeld case. We have submitted the plea agreement and Information for approval with our office. I expect that process to take approximately two weeks.

I have attached, for your review, a copy of the draft Information. Because it has not been approved by our office, it might change. But you and your client should review it. As you know, he does not have to agree with, or admit to, every detail in there. But if there are significant allegations that he does not agree with, please let us know.

As soon as we have an approved Information and signed plea agreement, we will forward them to you. Please let me know if you have questions about any of this.

--Adam

Adam Bookbinder

U.S. Attorney's Office

Moakley U.S. Courthouse

Boston, MA 02210

617-748-3112

Exhibit 8

From: [Bookbinder, Adam \(USAMA\)](#)
To: ["Tor Ekeland"](#)
Cc: [DeRosa, Diane \(USAFLS\)](#)
Subject: RE: Gottesfeld counsel
Date: Wednesday, February 17, 2016 1:53:00 PM

Thanks for trying. I'm sure it would be important for Diane to know tomorrow whether she's going to have to prepare for an evidentiary detention hearing on Friday, so if you can sort that out with Gottesfeld as soon as possible, that would be helpful. Thanks.

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

From: Tor Ekeland [mailto: [REDACTED]]
Sent: Wednesday, February 17, 2016 12:34 PM
To: Bookbinder, Adam (USAMA)
Cc: DeRosa, Diane (USAFLS)
Subject: Re: Gottesfeld counsel

I just tried calling the cell block, the Marshall said they didn't have a secure phone that I could talk to him. I did speak with his wife about Marty agreeing to temporary detention and waiving removal, she will be at the hearing.

tor

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417
[REDACTED]

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On Feb 17, 2016, at 11:55 AM, Tor Ekeland <[REDACTED]> wrote:

Thanks Adam! Diane, I'm going to try calling you now.

-Tor
[REDACTED]

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417


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On Feb 17, 2016, at 11:43 AM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Tor: I have cc'd Diane DeRosa on this e-mail. She will be handling the initial appearance today at 2:00 in Miami.

Diane: Tor is Gottesfeld's counsel, who is in NYC.

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

Exhibit 9

From: [Bookbinder, Adam \(USAMA\)](#)
To: [Ekeland, Tor](#)
Subject: RE: U.S. v. Gottesfeld Pro Hac Vice
Date: Thursday, February 18, 2016 3:47:33 PM

I of course have no objection. Glad there will be some communication options.

-Adam

From: Ekeland, Tor
Sent: 2/18/16, 12:44 PM
To: Bookbinder, Adam (USAMA)
Subject: U.S. v. Gottesfeld Pro Hac Vice

Adam:

I am told that the local rules require us to consult with you to see if you oppose our pro hac vice application. Based on our conversations I am assuming you don't oppose. Please let me know if I am mistaken in this assumption as we are going to file it shortly. Also, I should have email contact with Marty shortly, I just got the Corrlinks request. We are getting a phone account set up for him as well.

tor

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417


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Exhibit 10

From: Tor Ekeland
To: [Bookbinder, Adam \(USAMA\)](#)
Subject: Re: Motion to extend 30-day period to indict.docx
Date: Monday, February 29, 2016 4:57:59 PM
Attachments: [signature.asc](#)

For the record, I have consulted with my client Marty Gottesfeld as to the motion to extend the 30 day period to indict and he consents to this motion.

-Tor

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417


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> On Feb 29, 2016, at 4:50 PM, Bookbinder, Adam (USAMA) <Adam.Bookbinder@usdoj.gov> wrote:
>
> <Motion to extend 30-day period to indict.docx>

Exhibit 11

From: Tor Ekeland
To: [Bookbinder, Adam \(USAMA\)](#)
Cc: [DAddio, David \(USAMA\)](#)
Subject: Re: Motion to extend indictment period in Gottesfeld
Date: Sunday, April 10, 2016 3:30:29 PM
Attachments: [signature.asc](#)

This is fine, go ahead and file.

t

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417


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> On Apr 10, 2016, at 3:10 PM, Bookbinder, Adam (USAMA) <Adam.Bookbinder@usdoj.gov> wrote:
>
> <Motion to extend (2nd time) 30-day period to indict.pdf>

Exhibit 12

From: [Bookbinder, Adam \(USAMA\)](#)
To: ["Tor Ekeland"](#)
Cc: [ddaddio](#) [REDACTED]
Subject: RE: Gottesfeld
Date: Thursday, May 19, 2016 8:51:00 PM
Attachments: [Motion to extend \(3rd time\) 30-day period to indict.pdf](#)

Tor:

Here is the motion to exclude time that we will file tomorrow.

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

From: Tor Ekeland [mailto:[REDACTED]]
Sent: Thursday, May 19, 2016 1:00 PM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA)
Subject: Re: Gottesfeld

We are fine with the extension to July1, I just confirmed with Marty.

t

Tor Ekeland
Managing Partner
Tor Ekeland, P.C.
195 Plymouth Street
Brooklyn, NY 11201
p: (718) 737-7264
f: (718) 504-5417
[REDACTED]

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On May 16, 2016, at 3:23 PM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

That would be great. Thanks. ajb.

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210

617-748-3112

From: Tor Ekeland P.C [mailto:]
Sent: Monday, May 16, 2016 3:23 PM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA)
Subject: Re: Gottesfeld

I will ask him. I don't expect an issue here. I should have an answer for you in next day or two.

On May 16, 2016, at 12:08 PM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Tor:

Still no decision from Judge Bowler on detention, so no progress. Our current indictment deadline is 5/27. At this point, we're going to need to extend that again, so that there is time, after we finally get a decision, for you to talk to your client, talk to us, and for everyone to decide how best to proceed. I'd like to extend it to July 1, in the hope that we will have enough time to all make the decisions we need to make by then. Do you and Marty assent to that?

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

Exhibit 13

From: Frederic B. Jennings
To: [Tor Ekeland](#); [Bookbinder, Adam \(USAMA\)](#)
Cc: [DAddio, David \(USAMA\)](#)
Subject: Re: Gottesfeld motion to exclude time
Date: Wednesday, June 29, 2016 4:20:00 PM

Hi Adam,

I spoke with our client, and he's currently alright with another 30-day extension but not the longer one. Can you adapt the motion to reflect that?

- Fred Jennings
Associate | Tor Ekeland, P.C.
195 Plymouth Street, 5th Floor
Brooklyn, New York 11201
(718) 737-7264 [REDACTED]
[REDACTED]

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On 06/29/2016 01:26 AM, Tor Ekeland wrote:

> I know we are good for at least a 30 day extension, Fred, can you
> see if Marty is ok with the longer one. I think the issue is the
> detention hearing decision. I should surface this afternoon London
> time when I am done testifying over here.
>
>
> t
>
> Tor Ekeland Managing Partner Tor Ekeland, P.C. 195 Plymouth Street
> Brooklyn, NY 11201 p: (718) 737-7264 f: (718) 504-5417
> [REDACTED]
>
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>
>> On Jun 28, 2016, at 9:53 PM, Bookbinder, Adam (USAMA)
>> <Adam.Bookbinder@usdoj.gov> wrote:
>>
>> Here you go. ajb.
>>
>>
>>
>> Adam Bookbinder U.S. Attorney's Office Moakley U.S. Courthouse
>> Boston, MA 02210 617-748-3112
>>
>>
>> -----Original Message----- From: Fred Jennings

>> [mailto:] Sent: Tuesday, June 28, 2016 4:53
>> PM To: Bookbinder, Adam (USAMA); Tor Ekeland Cc: DAddio, David
>> (USAMA) Subject: Re: Gottesfeld motion to exclude time
>>
>> Actually, can you attach a copy of the motion? I don't have it in
>> my email.
>>
>> On 06/28/2016 04:48 PM, Bookbinder, Adam (USAMA) wrote:
>>> Thanks, Fred.
>>>
>>> --Adam
>>>
>>> Adam Bookbinder U.S. Attorney's Office Moakley U.S. Courthouse
>>> Boston, MA 02210 617-748-3112
>>>
>>>
>>> -----Original Message----- From: Fred Jennings
>>> [] Sent: Tuesday, June 28, 2016 4:46
>>> PM To: Bookbinder, Adam (USAMA); Tor Ekeland Cc: DAddio, David
>>> (USAMA) Subject: Re: Gottesfeld motion to exclude time
>>>
>>> Hi Adam,
>>>
>>> Tor is still in the UK. Let me take a look over the motion and
>>> verify with the client that he's okay with this. I'll get back
>>> to you by tomorrow.
>>>
>>> All the best,
>>>
>>> - Fred
>>>
>>> On 06/28/2016 04:40 PM, Bookbinder, Adam (USAMA) wrote:
>>>> Tor and Fred:
>>>>
>>>>
>>>>
>>>> Haven't heard from you guys today. Are we OK to file the
>>>> motion?
>>>>
>>>>
>>>>
>>>> --Adam
>>>>
>>>>
>>>>
>>>> Adam Bookbinder
>>>>
>>>> U.S. Attorney's Office
>>>>
>>>> Moakley U.S. Courthouse
>>>>
>>>> Boston, MA 02210
>>>>
>>>> 617-748-3112
>>>>
>>>>
>>>>

>>>> *From:*Tor Ekeland [[mailto:\[REDACTED\]](mailto:[REDACTED])] *Sent:*

>>>> Monday, June 27, 2016 7:27 PM *To:* Bookbinder, Adam (USAMA)

>>>> *Cc:* DAddio, David (USAMA); Frederic B. Jennings *Subject:*

>>>> Re: Gottesfeld motion to exclude time

>>>>

>>>>

>>>>

>>>> Thanks for the reminder, got caught up in another case. About

>>>> to fly to London, am cc'ing Fred Jennings, an associate at

>>>> the Firm, who has been working on this. Ping me tomorrow if

>>>> you don't hear from me in the morning your time.

>>>>

>>>>

>>>>

>>>> t

>>>>

>>>>

>>>>

>>>> Tor Ekeland Managing Partner Tor Ekeland, P.C. 195 Plymouth

>>>> Street Brooklyn, NY 11201 p: (718) 737-7264 f: (718)

>>>> 504-5417 [REDACTED] >

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>>>>

>>>>

>>>> On Jun 27, 2016, at 7:15 PM, Bookbinder, Adam (USAMA)

>>>> <Adam.Bookbinder@usdoj.gov

>>>> <<mailto:Adam.Bookbinder@usdoj.gov>>> wrote:

>>>>

>>>>

>>>>

>>>> Tor:

>>>>

>>>>

>>>>

>>>> The current deadline is Friday, so we'd like to get this

>>>> filed. Are we all set to file with Marty's assent?

>>>>

>>>>

>>>>

>>>> --Adam

>>>>

>>>>

>>>>

>>>> Adam Bookbinder

>>>>

>>>> U.S. Attorney's Office

>>>>

>>>> Moakley U.S. Courthouse

>>>>

>>>> Boston, MA 02210

>>>>

>>>> 617-748-3112

>>>>
>>>>
>>>>
>>>> *From:* Tor Ekeland [[mailto:\[REDACTED\]](mailto:[REDACTED])] *Sent:*
>>>> Thursday, June 23, 2016 4:19 PM *To:* Bookbinder, Adam
>>>> (USAMA) *Cc:* DAddio, David (USAMA) *Subject:* Re: Gottesfeld
>>>> motion to exclude time
>>>>
>>>>
>>>>
>>>> Will do.
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>>>> t
>>>>
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>>>>
>>>> Tor Ekeland Managing Partner Tor Ekeland, P.C. 195 Plymouth
>>>> Street Brooklyn, NY 11201 p: (718) 737-7264 f: (718)
>>>> 504-5417 [REDACTED] >
>>>>
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>>>> and/or confidential information. If you are not the intended
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>>>>
>>>>
>>>>
>>>> On Jun 22, 2016, at 5:02 PM, Bookbinder, Adam (USAMA)
>>>> <Adam.Bookbinder@usdoj.gov>
>>>> <<mailto:Adam.Bookbinder@usdoj.gov>>> wrote:
>>>>
>>>>
>>>>
>>>> Tor:
>>>>
>>>>
>>>>
>>>> We put together another speedy trial motion that will
>>>> exclude the time until September 16. It sounded from our
>>>> call like you were OK with this, but can you review it and
>>>> let us know. Thanks.
>>>>
>>>>
>>>>
>>>> --Adam
>>>>
>>>>
>>>>
>>>>
>>>> <Motion to extend (4rd time) 30-day period to indict.pdf>
>>>>
>>>>
>>>>
>>>>

>>

>> --

>>

>> - Fred Jennings Associate | Tor Ekeland, P.C. 195 Plymouth
>> Street, 5th Floor Brooklyn, New York 11201 (718) 737-7264 x

>>

>>

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>> <Motion to extend (4rd time) 30-day period to indict.pdf>

>

Exhibit 14

From: [Bookbinder, Adam \(USAMA\)](#)
To: ["Tor Ekeland P.C"](#)
Cc: [DAddio, David \(USAMA\)](#)
Subject: RE: Gottesfeld
Date: Friday, July 22, 2016 3:04:00 PM
Attachments: [Motion to extend \(5th time\) 30-day period to indict.pdf](#)

Here's what we filed. ajb.

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

From: Tor Ekeland P.C [mailto: [REDACTED]]
Sent: Friday, July 22, 2016 12:53 PM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA)
Subject: Re: Gottesfeld

In case fred hasn't emailed you yet you are ok to file.

On Jul 22, 2016, at 10:06 AM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Tor:

Any word on this? I'd like to file today if possible. Thanks for following up with Marty.

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

From: Tor Ekeland P.C [[mailto: \[REDACTED\]](mailto: [REDACTED])]
Sent: Thursday, July 21, 2016 1:11 AM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA)
Subject: Re: Gottesfeld

Will do

On Jul 20, 2016, at 6:50 PM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Tor:

We are approaching our August 1 speedy trial deadline and

still no decision from MJ Bowler (we have spoken to her clerk on this, but to no avail). So we'll need to exclude more time. Because I'm on vacation for the last two weeks of August, can we kick it to September 9 this time? If you could check with Marty and let us know, that would be great. I'd like to get something on file by Friday if at all possible. Thanks.

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

Exhibit 15

From: Tor Ekeland
To: [Bookbinder, Adam \(USAMA\)](#)
Cc: [DAddio, David \(USAMA\)](#)
Subject: Re: Gottesfeld
Date: Tuesday, August 9, 2016 3:13:16 PM
Attachments: [signature.asc](#)

I know he is seriously thinking about what you suggested last time. Hopefully I will get a chance to talk to him this week. I have to travel to San Francisco tomorrow to talk to some of your colleagues on an unrelated case, so apologies for any delayed response in the next couple of days.

And Disneyland was awesome, but I think I need to file for bankruptcy now that it's done.

t

Tor Ekeland
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On Aug 8, 2016, at 1:16 PM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Tor:

We got the speedy trial exclusion through September 9. But that date will creep up on us quickly, with everyone's vacations. Does Marty want to try to work out a plea agreement before then?

--Adam

Adam Bookbinder
U.S. Attorney's Office
Moakley U.S. Courthouse
Boston, MA 02210
617-748-3112

Exhibit 16

From: Tor Ekeland P.C
To: [DAddio, David \(USAMA\)](#)
Cc: [Bookbinder, Adam \(USAMA\)](#); [Frederic B. Jennings](#)
Subject: Re: Gottesfeld plea agreement
Date: Tuesday, August 23, 2016 4:07:37 PM

We r good on the extension. He's still thinking on the plea.

T

On Aug 23, 2016, at 4:03 PM, DAddio, David (USAMA) <[REDACTED]> wrote:

Tor/Fred,

Checking in re plea and/or extension. Can you let me know where we stand?

Thanks,

Dave

From: Tor Ekeland [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, August 17, 2016 11:00 AM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA); Frederic B. Jennings
Subject: Re: Gottesfeld plea agreement

Will do (this time with the cc of Fred)

t

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On Aug 17, 2016, at 10:57 AM, Bookbinder, Adam (USAMA)
<Adam.Bookbinder@usdoj.gov> wrote:

Sounds good. Let us know what you learn. And in the short term, let us know if the extension is OK. Thanks. ajb.

Adam Bookbinder
U.S. Attorney's Office
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617-748-3112

From: Tor Ekeland [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, August 17, 2016 10:55 AM
To: Bookbinder, Adam (USAMA)
Cc: DAddio, David (USAMA)
Subject: Re: Gottesfeld plea agreement

I have a call with him later today. He's seriously considering the plea. I'll ask him about the extension, I don't expect that to be a problem. . I'm cc'ing Fred Jennings, the associate at our firm, that is working on this matter with me, so he's in the loop on this.

t

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On Aug 17, 2016, at 10:45 AM, Bookbinder, Adam (USAMA) <Adam.Bookbinder@usdoj.gov> wrote:

Tor:

I wanted to check in with you because I am only in the office through Friday and am then out until September 7. So, if you'd like to talk this through, I'm available until Friday, and Dave will be around while I'm out. Assuming that your client isn't ready to commit to this plea agreement now, will you and he assent to a final motion to continue the Speedy Trial deadline for one more month?

--Adam

Adam Bookbinder
U.S. Attorney's Office
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617-748-3112

From: Bookbinder, Adam (USAMA)
Sent: Monday, August 15, 2016 11:20 AM
To: Tor Ekeland ([REDACTED])
Cc: [ddaddio](#) ([REDACTED])
Subject: Gottesfeld plea agreement

Tor:

I'm not sure if you're back from California yet, but if so, welcome back. Now that MJ Bowler issued her detention decision, we are thinking that we need to get this case charged soon, because we are unlikely to get more than one additional speedy trial exclusion on the indictment deadline. So, I've attached a revised draft plea agreement (with the revised terms, which we have already discussed, highlighted) and another copy of the draft information.

As you will see, the plea agreement only binds the government on the Guidelines calculation and leaves open what position the defense will take. And, as we discussed a couple of weeks ago, you could make the argument about Marty's justification for the DDOS (which would not be admissible at trial) at the sentencing hearing. While we don't yet have approval from our office for the plea agreement and information, we would certainly push for that approval if Marty is on board.

If Marty is willing to agree to this resolution in the next few days, we might be able to get the approval on our end and get everything signed and filed without asking for a final extension of the current September 9 speedy trial deadline. If you and he would like a bit more time, just let us know that you agree, and we can move to continue the deadline a month or so. But we don't expect to get another continuance allowed after that, so we will need to indict the case by the end of September, in the absence of a plea agreement. We would therefore need to have a decision by Marty to plead guilty by August 26 and a signed plea agreement

by September 9 in order to be able to avoid preparing the case for indictment.

If you can discuss this with Marty soon and let us know how he would like to proceed, we would appreciate it. We are also happy to talk this through with you at any point.

--Adam

<< File: Information (Gottesfeld).pdf >> << File: Plea agreement 2016 (Gottesfeld).pdf >>

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